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# A BILL FOR AN ACT

RELATING TO CANNABIS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that access for  
2           qualifying patients and primary caregivers to medical cannabis  
3           and particularly licensed medical cannabis dispensaries remains  
4           challenging due to limited access to medical providers, delays  
5           in obtaining authorization to enter and purchase medical  
6           cannabis, and the availability of cannabis through a thriving  
7           illicit market.

8           The legislature further finds that registration for the  
9           medical cannabis program has decreased in the last few years.  
10          While the number of registered medical cannabis patients reached  
11          its peak in August 2021, with 35,444 card-holding patients,  
12          since then, the number of patients has decreased over fifteen  
13          per cent to 30,035 by November 2024. This appears to indicate  
14          that residents are shifting away from licensed medical cannabis  
15          dispensaries, and instead are obtaining their medical cannabis  
16          from elsewhere due to difficulties, delays in registering, and  
17          the ease and lower costs in obtaining cannabis elsewhere.



1           The legislature also finds that this apparent shift away  
2 from licensed medical cannabis dispensaries toward the illicit  
3 market, undermines the purposes of the medical cannabis program  
4 in ensuring patient safety, product safety, and public safety.

5           The legislature further finds that the office of medical  
6 cannabis control and regulation of the department of health has  
7 a comprehensive registration system that could temporarily allow  
8 a qualifying patient or primary caregiver to purchase medical  
9 cannabis, instead of having the patient's access to medical  
10 cannabis delayed by a few to several days while awaiting  
11 delivery of the registration card from the department.

12           Accordingly, the purpose of this Act is to expand access to  
13 care by easing some of the burdens upon qualifying patients and  
14 primary caregivers. Specifically, this Act allows applicants or  
15 primary caregivers to temporarily purchase medical cannabis  
16 after the submission of the applicant's certification form.

17           SECTION 2. Section 329-123, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19           "(a) Physicians or advanced practice registered nurses who  
20 issue written certifications shall provide, in each written  
21 certification, the name, address, patient identification number,



1 and other identifying information of the qualifying patient. A  
2 written certification issued pursuant to this subsection shall  
3 originate from within the State. The department of health shall  
4 require, in rules adopted pursuant to chapter 91, that all  
5 written certifications comply with a designated form completed  
6 by or on behalf of a qualifying patient. The form shall require  
7 information from the applicant, primary caregiver, and physician  
8 or advanced practice registered nurse as specifically required  
9 or permitted by this chapter. The form shall require the  
10 address of the location where the cannabis is grown and shall  
11 appear on the registry card issued by the department of health.  
12 The certifying physician or advanced practice registered nurse  
13 shall be required to have a bona fide physician-patient  
14 relationship or bona fide advanced practice registered nurse-  
15 patient relationship, as applicable, with the qualifying  
16 patient; provided that nothing under this part shall require  
17 that the bona fide physician-patient relationship or bona fide  
18 advanced practice registered nurse-patient relationship be  
19 established by conducting an initial in-person consultation.  
20 Any fees assessed by a certifying physician or advanced practice  
21 registered nurse to issue a written certification pursuant to



1 this subsection shall not exceed an amount equal to three times  
2 the amount of the fee charged by the department of health to  
3 issue a registration certificate pursuant to subsection (b).  
4 After the submission of the applicant's form but before receipt  
5 of confirmed registration from the department of health, the  
6 applicant or primary caregiver may use the submission of the  
7 applicant's form as proof and documentation authorizing the  
8 applicant or primary caregiver to enter and make a one-time  
9 purchase of cannabis from a medical cannabis dispensary licensed  
10 under chapter 329D in an amount that is not more than  
11 twenty-five per cent of the dispensing limits under section  
12 329D-13. The office of medical cannabis control and regulation,  
13 established pursuant to section 329D-2.5, shall facilitate the  
14 temporary authorization for applicants and primary caregivers.  
15 All current active medical cannabis permits shall be honored  
16 through their expiration date."

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

DOH; OMCCR; Medical Cannabis; Access; Temporary Authorization to Purchase; Written Certification

**Description:**

Allows applicants or primary caregivers to make a one-time purchase of medical cannabis after the submission of the applicant's certification form while waiting for confirmation of registration from the Department of Health. Requires the Office of Medical Cannabis Control and Regulation to facilitate the temporary authorization. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

